

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH,

IN AND FOR UTAH COUNTY.

D-3

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PROVO RESERVOIR COMPANY,
a corporation, Plaintiff,
vs.

No. 2888 Civil.

ANSWER AND

COMPLAINT IN INTERVENTION.

PROVO CITY, ET al. Defendants.

MIDWAY WATERWORKS COMPANY,
A corporation. Intervenor.

Comes now the Midway Water-Works Company, and by leave of Court first had and obtained, files herein its answer and Cross-Complaint herein and alleges as follows:

I. That this intervenor has no knowledge or information sufficient to form a belief concerning the matters alleged in the complaint of the plaintiff nor in the cross-complaints and counter-claims filed by the several defendants ~~xxxxx~~ and intervenors;

II. That this intervenor has no interest in the waters of Provo River, adverse to the interests of the several parties in this action, except as hereinafter set forth;

III. (a) That this intervenor is a corporation organized under the laws of the Territory of Utah, and continuing to exist by virtue of the Constitution ~~sixxxx~~ and laws of the State of Utah; with its principal place of business at Midway, Wasatch County, State of Utah;

(b) That all its stockholders are residents of the Town of Midway, Wasatch County, State of Utah, or in the immediate vicinity thereof. And that the company was organized for the specific purpose of supplying "The inhabitants of the town of Midway, and those residing adjacent thereto, with water for domestic purposes, for sprinkling, for extinguishing fires, and for such other purposes to which said water may be ~~xxx~~ properly applied".

(c) That on or about the 15th day of July, 1895, the said corporation by purchased lawfully appropriated a certain spring situated North and West of Midway, in Wasatch County, Utah, and known locally as the "Gerber Spring", (a tributary to snake Creek which is a tributary to Provo River,) and has ever since continued to appropriate and use the waters thereof.

(d) That said corporation immediately began excavating for and enstalling a pipe-line, and furnishing water to ~~xxx~~ its stockholders, and from said date continuously until the present time has extended its system and increased the capacity of its main line, and proposes to continue to do so until it shall be able to furnish all residents of Midway Town and vicinity with water for domestic and culinary purposes as contemplated by its articles of incorporation at the time of the purchase of said spring, to the full extent of its capacity.

Wherefore this intervenor and co-defendant prays that it be adjudged and decreed to be the sole owner of the said "Gerber Spring" and entitled to the use of the whole of the flow thereof, and that its title thereto be forever quieted.

Chas. J. Wahlquist,
Attorney for Midway Water-Works Company.

State of Utah,)
 (SS.
County of Wasatch.)

A. L. Alder, being first duly sworn on his oath says: That he is ~~one~~ of the pfficers of the Midway Water-Works Company, a corporation, to wit the President thereof, and that he makes this ~~affia~~ affidavit in his said official capacity for and on behalf of said corporation; that he has read the foregoing Complaint in Intervention and knows the contents thereof and that the matters therein alleged are true of his own knowledge, except as to matters alleged upon information and belief and that as to all such matters he verily believes them to be true.

Alfred L. Alder,

Subscribed and sworn to before me this 21st day of August, 1916.

My commission expires
May 5th, 1918.
(SEAL)

Chas. J. Wahlquist,
Notary Public.